

REMARKS

Claims 1-13 and 15-24 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

Claims 1 and 13 have been amended.

REJECTION UNDER 35 U.S.C. § 103

Claims 13, 15, 17-19, 21-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker et al. (U.S. Pat. No. 2003/0028811 A1) in view of Schumann et al. (U.S. Pat. No. 2002/0021805 A1). This rejection is respectfully traversed.

Claims 1-12, 16 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker et al. (U.S. Pat. No. 2003/0028811 A1) in view of Felsher et al. (U.S. Pub. No. 2002/0010679 A1) and further in view of Schumann et al. (U.S. Pat. No. 2002/0021805 A1). This rejection is respectfully traversed.

INAPPLICABILITY OF SCHUMANN REFERENCE:

The Examiner has used the Schumann reference in rejecting all claims and in particular the independent claims 1 and 13. As per the rejection Schumann is stated to be teaching the Claim 1 recitation, "said access mechanism including at least one fingerprint matching module ... at least one resource access module" and the Claim 13 recitation "securely communicating between a fingerprint matching module ... using said fingerprint".

There is a basic difference between the Applicant's invention and the Schumann reference in context of what is a "fingerprint". Applicant's invention uses fingerprints of

human users to authenticate the user and allow access to the secured data and the system. Applicant has amended claims 1 and 13 to include the “human” context to the fingerprint. However, the Schumann reference uses digital fingerprinting technique for handling digital watermarks to control data authentication. While the terminology of “fingerprinting” is commonly used in the digital watermarking arts, it is not the same as human fingerprint based authentication, since digital watermarking art normally uses a digital key and not a human fingerprint. Further, embedding a digitally generated “fingerprint” as a watermark for data tracking and authentication is completely different from scanning a human fingerprint for controlling data access. Schumann makes this amply clear by stating “The fingerprint logic 143 adds watermarks to the output signal of the interface encryption logic...” (page . 5, paragraph 0054). This is a reference to “fingerprinting” that uses a digital watermark and not a human fingerprint based authentication. All references to “fingerprint” in Schumann are in context of a digital fingerprint and not a human fingerprint.

Further, neither Schumann nor other references teach converting a human fingerprint into a digital watermark to be used as a “digital fingerprint” for data access and authentication purposes. It would require a leap of faith to derive such a teaching from Schumann or other references either singly or in combination. Hence, without the benefit of such impermissible hindsight, it would not be possible combine Schumann with other references to achieve the Applicant’s invention.


Therefore, the Applicant respectfully requests the Examiner to withdraw the rejection of Claim 1-13 and 15-24 and allow the same.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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